

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Fresenius Kabi Oncology Limited,

Defendant.

2:21-CR-020-JAD-BNW

Preliminary Order of Forfeiture

This Court finds Fresenius Kabi Oncology Limited pled guilty to Count One of a One-Count Criminal Information charging it with refusal to permit access to records in violation of 21 U.S.C. §§ 331(e) and 374(a). Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Fresenius Kabi Oncology Limited agreed to the imposition of the in personam criminal forfeiture money judgment of \$20,000,000 set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

The in personam criminal forfeiture money judgment is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 21 U.S.C. §§ 331(e) and 374(a), a specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7)(F), involving a Federal health care offense as defined in 18 U.S.C. § 24, or a conspiracy to commit such offense or (2) property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of 21 U.S.C. §§ 331(e) and 374(a), involving a Federal health care offense as defined in 18 U.S.C. § 24, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(7); and 21 U.S.C. § 853(p).

1 This Court finds that Fresenius Kabi Oncology Limited shall pay an in personam
2 criminal forfeiture money judgment of \$20,000,000 to the United States of America
3 pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C.
4 § 2461(c); 18 U.S.C. § 982(a)(7); and 21 U.S.C. § 853(p).

5 This Court finds that on the government's motion, the Court may at any time enter
6 an order of forfeiture or amend an existing order of forfeiture to include subsequently
7 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
8 32.2(b)(2)(C).

9 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
10 *United States*, 137 S. Ct. 1626 (2017).

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
12 the United States of America recover from Fresenius Kabi Oncology Limited an in
13 personam criminal forfeiture money judgment of \$20,000,000.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record and three certified copies to the United States
16 Attorney's Office, Attention Asset Forfeiture Unit.

17 DATED March 23, 2021.

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21 JENNIFER A. DORSEY
22 UNITED STATES DISTRICT JUDGE
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